

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

Robert-Jan Enzerink

Appl. No.: 09/461,829

Filed: December 15, 1999

For: **GRAFT MATERIAL CONVENIENCE PACKAGE**

Art Unit: 3738

Examiner: Brian Pellegrino

Atty. Docket: DEP-0351

RESPONSE

The Assistant Commissioner of
Patents and Trademarks
Washington, D.C. 20231

Dear Sir:

This amendment is submitted responsive to the Final Office Action dated October 30, 2002, issued in the above-identified application, making a response due on or before January 30, 2003.

REMARKS

Claims 1-6, 35, 36, 38, and 39 are pending in this application.

- I. At page 2 of the Office Action claims 1-4, 35, 36, and 38, have been rejected under 35 USC § 103(a) as being unpatentable over McGuire ('669) in view of Dumican et al. ('665).***

The Examiner states that '669 discloses that allografts can be used as replacement ligaments and discloses having sutures attached at a proximal end and at a distal end and include using semitendinosis and gracilis tendons. The Examiner states that "669 also discloses that the sutures are attached prior to implantation to aid in insertion", and discloses "preserving grafts that are used for future ligament replacement procedures." The Examiner further states that '669 discloses that fixation devices are used in "kits" for ligament repair (col. 5, lines 17-22). The Examiner states that McGuire does not disclose a package or kit with sutures attached to the graft prior to sterilizing and packaging, but that '665 discloses grafts that are packaged and sterilized with pre-attached sutures (col. 11, lines 34-41). The Examiner concludes that it would have been obvious to one of ordinary skill in the art to have the pre-attached sutures on the graft ligament of McGuire and have the sutures